

Montana Transportation Commission

**December 12, 2024 Meeting
Commission Room
2701 Prospect Avenue
Helena, Montana**

IN ATTENDANCE

Loren Frazier, Transportation Commission Chair (District 3)
Kody Swartz, Transportation Commissioner (District 1) (on line)
Shane Sanders, Transportation Commissioner (District 2)
Noel Sansaver, Transportation Commissioner (District 4) (on line)
Scott Aspenlieder, Transportation Commissioner (District 5)
Chris Dorrington, MDT Director
Larry Flynn, MDT Deputy Director
Jess Bousliman, MDT Commission Secretary
Dustin Rouse, MDT Chief Engineer
Dave Gates, MDT Construction Engineer
Valarie Balukas, MDT Acting Chief Legal
Rob Stapley, MDT Planning Administrator
Ryan Dahlke, MDT Preconstruction Engineer
Jim Wingerter, MDT District 3
Meghan Strachan, MDT
Brenden Borges, MDT
Lauren Whitten, FHWA
Aaron Wilson, City of Missoula
Brandt Dahlen, City of Missoula

On Line:

Megan Handl, MDT
Bob Vosen, MDT District 1
Geno Liva, MDT District 2
Mike Taylor, MDT District 5
Mark Kurokawa, MDT
Tammy Ross, MDT
Paul Johnson, MDT
Bob Abelin

Please note: Minutes are available for review on the commission's website at https://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx. Alternative accessible formats of this document will be provided upon request. For additional information, please contact transportation secretary Kelsie Watkins at (406) 444-6201, kwatkins@mt.gov or visit the commission's website at http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.aspx. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592 or call the Montana Relay at 711. Alternative accessible formats of this document will be provided upon request.

OPENING – Commissioner Loran Frazier

Commissioner Frazier called the meeting to order with the Pledge of Allegiance and the Invocation. Commissioner Frazier asked for introductions.

Approval of Minutes

The minutes for the Commission Meetings of June 27, 2024, October 22, 2024, and November 7, 2024, were presented for approval.

Commissioner Aspenlieder moved to approve the minutes for the Commission Meetings of June 27, 2024, October 22, 2024 and November 7, 2024. Commissioner Sansaver and Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: Construction Project on State Highway System Maverik Convenience Store & Gas Station – Hardin

Rob Stapley presented the Construction Project on State Highway System – Maverik Convenience Store & Gas Station, Hardin, to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

Maverik, Inc. is proposing modifications to MT-47 (P-48) near Hardin to address traffic generated by their new gas station and convenience store. Proposed improvements include the installation of a new NB left-turn lane on MT-47 near the West Hardin Interchange.

MDT headquarters and Billings District staff have reviewed and concur with the recommended improvements. Maverik, Inc. will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process to ensure that all work complies with MDT design standards.

When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends the Commission approve these modifications to MT-47 pending completion of applicable state and local design review and approval processes.

Commissioner Aspenlieder moved to approve the Construction Project on State Highway System – Maverik Convenience Store & Gas Station, Hardin. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 2: Construction Project on State Highway System
Cornerstone Plaza Development – Butte**

Rob Stapley presented the Construction Project on State Highway System – Cornerstone Plaza Development, Butte, to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

The Cornerstone Management Group is proposing modifications to Harrison Avenue (N 29) in Butte to address traffic generated by their new development. Proposed improvements include median modifications, new turning lanes, bike/ped features, ADA upgrades, and a new traffic signal at the entrance to their facility near Meadowlark Lane.

MDT headquarters and Butte District staff have reviewed and concur with the recommended improvements. The Cornerstone Management Group will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process (to ensure that all work complies with MDT design standards).

When complete, MDT will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends the Commission approve these modifications to Harrison Avenue pending completion of applicable state and local design review and approval processes.

Commissioner Sanders moved to approve the Construction Project on State Highway System – Cornerstone Plaza Development, Butte. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 3: Construction Project on State Highway System,
Contract Labor – Scott Street – Missoula**

Rob Stapley presented the Construction Project on State Highway System, Contract Labor – Scott Street, Missoula, to the Commission. Under MCA 60-2-111 “letting of contracts on state and federal aid highways,” all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure the safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements.

The City of Missoula is proposing modifications to Scott Street (U-8109) to improve traffic operations and safety near Phillips Street. Proposed improvements include the installation of a roundabout at the intersection of Scott Street and Phillips Street. MDT headquarters and Missoula District staff have reviewed and concur with the recommended improvements. Per the terms of the City-Wide Memorandum of Agreement (MOA), the City of Missoula will provide 100 percent of project funding and will be required to complete MDT’s design review and approval process.

When complete, the City of Missoula will assume all maintenance and operational responsibilities associated with the proposed improvements.

Staff recommends the Commission approve these modifications to Scott Street in Missoula and requests that the Commission delegate its authority to let, award, and administer the contract for this project to the City of Missoula pending completion of applicable state and local design review and approval processes.

Commissioner Frazier asked for an explanation of the proposed improvement. Brandt Dahlen, City of Missoula Surface Project Coordinator, said it is a roundabout at Scott and Phillips which includes jump-ons and jump-offs for bikers. It has a fully mountable splitter island and center island for truck traffic because it is a truck route. It includes striping from Phillips North to Turner which will include buffered bike lanes. Commissioner Frazier asked if this was similar to the one just south of it on Scott and Toole. Brandt Dahlen said it is almost exactly the same design other than the splitter islands are fully mountable. This one is a little bit larger with an 80-foot minimum diameter. Commissioner Frazier said I drive this route when I’m in Missoula. I’ve had two experiences and although no accidents they were pretty frightening. One was I had somebody blow through the intersection to the side and the second one was somebody who thought I was driving too slowly and they passed me by going over the median while I was going through. I’m looking at the accident rate at Scott and Toole over the years and I’m a little concerned if this is going to be the same as that. Brandt Dahlen said I don’t know about the crash

history but there is a tendency to speed coming off the bridge. That's been shown in studies and a roundabout is a good traffic calming feature as well as increasing the operation efficiency of cars heading eastbound on Phillips and northbound on Scott making a left turn. That tends to queue up almost the whole block and this roundabout should help mitigate that queuing issue. Commissioner Frazier said I have a little bit of reservation on this. This is a mini-roundabout not a full size one.

Commissioner Aspenlieder said to Director Dorrington, we were on a path with Missoula and Billings in working on some agreements and negotiations to get MDT out of the MPO boundary so we don't have to talk about stuff like this. Where are those at now that leadership has changed? We haven't heard anything for 8-10 months on Billings Side. Where are we at with that? Director Dorrington said I'm still completely open to that. Our Administrator Jon Swartz is not here but he is a key player in that. We would like the committees to take over more and we're supportive of that but under an agreement where we both clearly outline the roles and responsibilities. Rob Stapley said there has been some dialogue back and forth with Billings and some of the low hanging fruit is in the works. Most of that is with maintenance. Some of the more complex issues like the funding on the project side of things, as we came back and started working through things, there is more complexity there and more conversation to be had. It is not dead for sure but more work needs to be done. We had a conversation yesterday about what we need to do.

Commissioner Aspenlieder said we all know that at the end of the day the maintenance portion of those are going to be the hardest to resolve because of the reimbursement rates and we're not in the same zip code currently on that. The way we were attacking these was to try to tackle the theoretically easier things and it feels like we have just let that linger again. We started these conversations three years ago and we don't have one of them in place yet. I don't know if it's our side or Billings that is being slow to this. I don't know what we need to do to prioritize it. If it's not a priority then it's not a priority but let's say that and not keep fluffing the issue like we're going to do it and then not do it. Director Dorrington said it is a priority. Not every community is the same. We have a meeting next week with the League of Cities and Towns and this will be another item of discussion. They have also had a change in leadership. They would like a more consistent approach. When people hear "consistent" they want the same and none of the communities want the same. So there is some work to do there as well. Also the communities differ in their capabilities. Missoula, Billings, and Kalispell have interest, we are working and I think we'll find a way through it. I'm also sensitive to getting things on paper and moving to try it out and not just saying we'll do it.

Commissioner Aspenlieder said in all likelihood not much is going to happen over the next five months with the Legislature in session, but again, this is where we talk a lot but we don't see finality in anything. From my perspective that gets frustrating and it feels like wasted effort. Then we lose momentum and we lose steam in these

communities because it is just a continuation of their belief that MDT really isn't all that interested in partnering because they really don't follow through at the end of the day. I think we have to be aware of the perception. It's not the reality but our inaction feeds that perception.

Commissioner Sanders said regarding the map it took me forever to find the location of the roundabout. Brandt Dahlen said it's on the bottom corner. Commissioner Sanders said I'm trying to figure out where it fits into the whole picture. Having it off the map doesn't really help me. Brandt Dahlen said we put that land use map together to show the diversity of the land use and what kind of use the roundabout is going to get and to show we designed it so it can meet the largest truck traffic required. It's also going to get higher volumes as those areas build out. There is a lot of vacant land up there which is the Scott Street Master Plan. Commissioner Sanders said the thing we're talking about is almost off the map and in the future it should be more central so I can get a better grasp of the project.

Commissioner Swartz moved to approve the Construction Project on State Highway System, Contract Labor – Scott Street, Missoula. Commissioner Aspenlieder seconded the motion. Commissioners Sansaver, Sanders, Swartz and Aspenlieder voted aye. Commissioner Frazier voted nay.

The motion passed.

Agenda Item 4: Construction Project on State Highway System SLH Industrial Development – Billings

Rob Stapley presented the Construction Project on State Highway System – SLH Industrial Development, Billings, to the Commission. Under MCA 60-2-110 “Setting priorities and selecting projects,” the commission shall establish priorities and select and designate segments for construction and reconstruction on the national highway system, the primary highway system, the secondary highway system, the urban highway system, and state highways. This statute exists to ensure the safety of our system, protect transportation investments, and encourage coordination on public and private infrastructure improvement projects that impact MDT routes.

SLH Industrial LLC is proposing modifications to the South Frontage Road (U-1011) in Billings to address traffic generated by their new facility. Proposed improvements include the installation of a WB left-turn lane and a new shared use path along the South Frontage Road. MDT headquarters and Billings District staff have reviewed and concur with the recommended improvements. SLH Industrial LLC will provide 100 percent of project funding and will be required to complete MDT's design review and approval process to ensure that all work complies with MDT design standards.

When complete, MDT will assume all maintenance and operational responsibilities associated with the WB left-turn lane. The City of Billings will assume all maintenance and operational responsibilities associated with the new shared use path.

Staff recommends the Commission approve the modifications to the South Frontage Road pending completion of applicable state and local design review and approval processes.

Commissioner Aspenlieder said legally when we talk about the maintenance and operation responsibilities facilities, particularly the shared use path, it says the City of Billings will assume all maintenance but in reality that is not the case. The city does not take care of these things; they put that on the frontage owner. If we have issue, do we hold the city accountable per our agreement with the city? Legally is that how it works? Then it is the city's responsibility to work with the third party? Valerie Balukas said that is the language of the agreement so yes. There's been a change in the agreement to make it clearer from our perspective if there is a distinction between the maintenance and repair and reconstruction. The maintenance and having local ordinances and enforcing those ordinances against the landowner is the responsibility of the cities under those agreements.

Commissioner Aspenlieder said we are going to build a multi-use trail that connects to nothing and will connect to nothing and bound by a bridge over Hogan's Slew that doesn't have a pedestrian facility in the works or planned and it is absolutely stupid to build a trail frontage that's going to be a weed patch unmaintained for no reason. It is frustrating but that's a city requirement and I disagree wholeheartedly with that approach.

Commissioner Sansaver said I have the same questions and concern. It seems like it gets pretty convoluted when we start switching things back and forth between the responsibility of the state and the city or as in this case it would not be the responsibility of the city to take care of this. Is that what I'm hearing? Rob Stapley said the city will delegate that responsibility to the land owner on the frontage through the city ordinance. Commissioner Sansaver said then it's convoluted and I don't know where MDT fits into this whole scenario. The city has then deferred this over to the landowner, so if we have a problem with it who do we go to – the landowner or the city? Do we start with the city and then go to the landowner, how does that work? Valerie Balukas said MDT goes to the city. The obligation belongs to the city so if the landowner is not performing under the ordinance, the city is obligated to either do the maintenance or pursue a civil penalty against the landowner. Commissioner Sansaver said then it is the city's responsibility to follow up legally with that landowner to make sure they comply with the state's requirements, is that correct? Valerie Balukas said yes.

Commissioner Frazier said as I understand this industrial development, there is going to be some work on the road itself with a left-turn lane being added. This is a requirement that they provide some alternate use path for locals and the path is what we've been discussing that the City of Billings, through their ordinance, will have the path maintenance but MDT is going to maintain the roadway features. Is that correct? Rob Stapley said that is correct.

Commissioner Aspenlieder moved to approve the Construction Project on State Highway System – SLH Industrial Development, Billings. Commissioner Sanders seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 5: Bridge Program Projects
Additions to Bridge Program (9 New Projects)

Rob Stapley presented the Additions to Bridge Program (9 New Projects) to the Commission. MDT’s Bridge Bureau reviews bridge conditions statewide and provides recommendations for construction projects to be added to the Bridge Program. At this time, the Bridge Bureau recommends adding nine (9) new projects to the Bridge Program. Project information is shown on the attachment.

If approved, it would be MDT’s intention to let these projects individually. The estimated total cost for all project phases is \$194.7 million (\$166.8M federal + \$27.9M state match). The breakdown of project costs (by program) is listed below:

Surface Transportation Bridge (STPB) Program	\$ 76,655,137
National Highway Performance Bridge (NHPB) Program	\$ 15,947,080
State Funded Construction Program (SB-536)	<u>\$ 2,049,903</u>
	\$194,652,120

The proposed projects are consistent with the goals and objectives identified in the Performance Programming (Px3) Process - as well as the policy direction established in TranPlanMT. Specifically, roadway system performance and traveler safety will be enhanced with the addition of these projects to the Bridge Program.

Staff recommends the Commission approve the addition of these projects to the Bridge Program.

Commissioner Aspenlieder said in Prairie County, Secondary 340 near Mildred, is that a bridge project or a culvert project? It is labeled as a culvert in the project name so are we replacing a culvert with a bridge? Ryan Dahlke said the history behind that culvert or bridge just north of Mildred about a year and a half ago that bridge was

closed. The county took some immediate action and replaced the bridge with a culvert. The culvert is undersized. They just got the road open with the intent there would be a long-term fix and we committed to that with SB 536. So this project is called a bridge replacement but it is a National Bridge Inventory bridge by definition, so through the scoping we will determine what it is. It will likely be a culvert but that will be determined during design if an appropriate sized culvert can be included.

Commissioner Sanders said for \$6.5 million we get a culvert replacement and everything else is bridge replacement. Do we do any repairs to the bridge as well or any enhancements or is it strictly for the culvert? Ryan Dahlke said Teepee Creek is a series of large culverts that are big and therefore they fall under the definition of a bridge in the National Bridge Inventory. This is a series of culverts that will be replaced likely with very large culverts but again we'll determine that during the scope. Commissioner Sanders said could you answer the bigger question of square-rectangle/rectangle-square because sometimes you can have a bridge that's a culvert and sometimes you have a culvert that is not a bridge. Ryan Dahlke said the very definition of an NBI structure which is called a bridge replacement under our scope is if the structure falls under the definition of a bridge in NBI which is 20 feet or longer. So a series of culverts or one really large culvert could fall into that. It is identified in here as a general bridge replacement project but it could be a bridge, a box culvert, a series of round culverts – whatever is the most cost-effective solution that conveys the floods we need to convey and environmental impacts, etc.

Commissioner Aspenlieder said regarding the Havre Bridge – I get it, it's a giant structure but does all of the deferred maintenance that we have on all of these structures across the state, is this really where we want to focus almost the entirety of our bridge budget in a calendar year? Is that wise? This feels like a rough one to swallow. Ryan Dahlke said that is a great question. These are beasts that are nearly impossible to tackle and a prime example on a smaller scale is the Noxon Bridge in Sanders County. If you look at Sanders County's budget for infrastructure, it is probably relative to this type of project coming onto our system with our budget. These are just massive bridges and this one is in critical shape, therefore, if we don't attack this bridge it will likely close. That is the bottom line. It is an unfortunate situation were in that we have limited money and this massive bridge that we have to actually address. So how do you prioritize this one verses 12 other bridges that are in the same condition? We always look at ADT, possible detours, impact to the public, and probability of closure. All of those things are looked at to bring forward the most high-impact, highest need bridges that we need to address. This last year we actually looked at our entire inventory and sifted all of the high priority ones that had not a great detour, a high impact to traffic and a high probability of closure and we brought those to the top. That is what this is. I will say this is a massive project - \$106 million for all phases. We had two options for this bridge. One is we go forward with a study to determine the best solution. The other option was to charge

forward and program the likely outcome which is a bridge replacement. During the project development MDT is going to look at every possible solution as to how we can attack this. Can we actually de-scope from a bridge replacement to a substructure repair or replacement? It is still going to be massively expensive. In this location there are challenges that are going to be extremely difficult to overcome. So options might not be in the cards. We look at balancing risk and impact to the public to prioritize the bridges that we're going to attack first.

Commissioner Aspenlieder said I know where this bridge is and I completely understand the constraints in its current location, have we looked at relocating this? We could build a lot of highway to a new bridge location when we're not going over the entire BNSF railyard plus the Milk River all in the same span in the location where you've got the elevator and you're pinned in. Have we looked at relocating this structure and doing this crossing somewhere else on the east side of town? Ryan Dahlke said no we haven't looked at relocation of an entire route. Commissioner Aspenlieder asked why? Commissioner Frazier said as you start the project this isn't to say we're going to go build it tomorrow. This is to start the scoping and the environmental process. Part of the NEPA process is to evaluate alternatives. So you will have to look at alternate routes. I'm hearing that we need to start the process. This bridge was built in 1936 and that's old for a bridge. We need to start addressing it and finding a solution and that is part of the process. Ryan Dahlke said that is an excellent point. Going back to the study versus a project – this one is in dire condition and it's going to take a lot of time to figure out how we're going to actually build this thing and part of that will include seeing if it can go into a different location; part of that process will be to determine that. I'm not one to study the tar out of something, let's get to work. Let's get to work and get a project started so we can actually get out in front of a pending closure.

Commissioner Aspenlieder said I'm 100% on board with you and I'm of the same mind-set but that's different if we're spending \$20 million than when we're spending the entire bridge budget for a fiscal year. If this is programmed at \$106 million over five years, it is not going to be \$106 million in five years. We'd better be damned sure that we're not just checking the boxes because the easiest thing in an EA is to say we're going to put it back in the same place, we have no impacts and we're moving forward. With this much expenditure on the line, this is where I would expect some level of a study to make damn sure we're making the right decision. Even if this is a \$70 million structure, that's the cost of three more bridges on our system, instead of taking the easiest path from a permitting standpoint but spending \$40 million to make the paperwork easier. That is where my concern lies with this project.

Director Dorrington said Paul Johnson is the guy who programs phases and he might be able to speak to this. You could program a phase which is a study portion to determine what the next best step is. Paul Johnson said there is a couple of

different ways to go. If the Commission wants to move forward with an effort that will eventually end up with a solution in this area, as part of this project we could initiate a phase study as the first part of project development that will end up with a solution that will address the bridge either removal or replacement or some other alternative. If the Commission approves the project, we can move forward and probably should move forward with another phase study that considers alternative. This will also mitigate our risk with regard to whether an EA or an EIS would be necessary. Typically when we do one these corridor studies, we usually get out from under the EA or EIS because we've done that work in advance. I think everybody agrees the work should be done in advance. The question in front of us is do we approve the project and include the study as part of the development phase or do we set it off to the side and do the study and then bring it back. That is the question in front of us today. Either way we're probably going to do the same approach but the question is whether to approve the project and include an evaluation and other phase study to look at alternatives and then bring that back to the Commission. That's the question in front of you today.

Commissioner Frazier said a comment for thought – we do need to do that. What I'm hearing from Mr. Dahlke and the bridge ratings is we don't want to ignore this one until it falls down, we need to get started with some kind of a study. Do we need to approve all \$106 million today? Maybe we approve the project, get the study phase and then bring in the alternate route at another time.

Commissioner Aspenlieder said I'm okay approving the project so long as there's some very clear parameters in place. Once a study gets completed and has a plan forward I would request that be brought back to the Commission so we can understand what you did and what the results of that were, before you're making another decision to proceed forward. I don't want to be giving the affirmative on a \$106 million project and not have another check-in point and approval point on this project. If that's the case I would say let's approve the study and then come back with the results but if you can assure me there's a check-in point after the study is completed with a plan forward before anything else proceeds, I'd be okay doing the whole thing.

Commissioner Frazier said our Tentative Construction Plan is the check-in point of when those come in. Dustin Rouse said these are fantastic questions. We struggled with bringing an OT and we don't want to study this thing to death either. We have to move on this. I appreciate your comments and from my standpoint I absolutely commit that we will bring this back and let you know how the development of this project progresses and the alternatives we've looked at and the direction we are looking at heading.

Commissioner Sanders said you said this bridge is in dire shape but I see it's not let until 2030. If we do a study first, does that endanger this bridge? Does it slow down

the time line to do the study first? Ryan Dahlke said if we go a traditional OT study with its own project, in my opinion it puts the project timeline at risk. The commitment is that during project development, if you give us the word “go” part of it will be baked into the process and in that regard I don’t believe it will slow the process down at all. All of that stuff we’re doing, advancing a project forward can be used for design and ultimate project completion.

Commissioner Sanders said if we commit the \$106 million and then we don’t like what comes back to us, can we de-commit that funding? Ryan Dahlke said what you’re approving here is a project, the estimate at this point is \$106 million for all phases. That is going to go up or down depending on the analysis just like every project. It’s no different than Teepee Creek – you’re not approving the \$6.5 million for award or federal programming, you’re approving the project and the estimated cost at this point is \$6.5 million and \$106 million for Havre. Ultimately through the dialogues in the TCP we will be updating estimates. That is your check-in point formality, you’re formal approval when you do the TCP to approve or deny. The key is the dialogue that is happening as we go through the study and analysis. Commissioner Sanders said so we’re really approving pressing forward on the project not necessarily the \$106 million.

Commissioner Sanders asked if it would be possible to get a big picture overview map when you bring these bridge projects forward, so we can see clearly where it is and how it’s going to affect the infrastructure. Ryan Dahlke said yes we can do that. Commissioner Sanders said could an alternative be to bring up Google Earth during the meeting and zoom in so we can see where it is? That’s is a possibility.

Commissioner Sansaver said I agree with Mr. Dahlke, we are either approving or not approving a project. We are not approving the bid. Ryan Dahlke said that is correct. Commissioner Sansaver said right now we’re considering the process and Mr. Aspenlieder is asking for a more visual view of how this is all going to lay out and I agree with that. However, we do have this stop-gap when it comes to the bid. I think we do need to move forward on this and get wheels on the ground right away but we have an option at the bid letting. If this thing goes up to \$142 million then we can put on the brakes and go back and take another look at it. But I agree we do need to move forward with it and we will have the final say at bid letting. Commissioner Frazier said that is my understanding.

Jim Wingerter said one thing we haven’t discussed is community involvement. Havre is very involved with MDT when we have our projects in that community and the sooner we can get a concept in front of them and get the people in Havre and north of Havre on board and have those discussion with them the better. That will help us with our time line and move this thing forward as quickly as possible. We need to keep that in mind with this project. It will have a huge, huge community impact no

matter what we do. Commissioner Frazier said there are also two ports in that area. Jim Wingerter said there is also a Coast Guard Station north of Havre.

Commissioner Sansaver moved to approve the Additions to Bridge Program (9 New Projects). Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Public Comment:

No public comment was given.

Agenda Item 6: Speed Limit Recommendation Three Mile Drive/Farm to Market Road (U-6706/S-424) – Kalispell

Dustin Rouse presented the Speed Limit Recommendation, Three Mile Drive/Farm to Market Road (U-6706/S-424) – Kalispell, to the Commission. In July of 2022, the City of Kalispell requested a speed and corridor study be performed on Three Mile Drive from Meridian Road to 800-feet west of the approach for the Meadows Edge subdivision “for necessary safety and service level improvements for capacity, intersection controls, and access controls”. MDT and the city came to an agreement to perform a speed study on Three Mile Drive and Farm to Market Road. After reviewing the study area and previous speed studies, it was determined this speed study would begin at the intersection of Meridian Road and continue west and north to milepost 6 near the intersection with Old Reserve Drive.

Within this speed study, Three Mile Drive is part of the urban highway network (U-6706) and Farm to Market Road is part of the state secondary highway system (S-424). Both segments are classified as a major collector. Typical sections for the study area consist of two 12-foot travel lanes (one in each direction) and varying shoulder widths. The urban highway segment has 0 to 2-foot shoulders except around Alternative 93 and approximately between Cottage Drive and Heavens Peak Drive where the shoulders are 4-feet. There are primarily no shoulders on the secondary highway segment, however, in some areas up to a 2-foot shoulder exists. Sight distance is considered adequate on and along the roadway as the alignment is primarily both tangent and flat. There are four curves and some shrubbery that may create some sight obstructions, but all approaches appear to have adequate sight distances for the posted speed limit. Average annual daily traffic volume from 2022 ranges from almost 2,300 vehicles in the rural secondary segment to over 6,000 vehicles within the urban highway segment. Peak AADT was primarily observed in 2021 at about 6,600 vehicles in a portion of the urban segment and around 2,800 on

the secondary segment. There has been between a 1.5 and 13 percent increase in traffic volumes on the urban highway within the past 5 years. On average there has been about a 16 percent increase in traffic volumes on the secondary highway portion but most of the route has seen around a 25 percent increase over the past 5-years. It should be noted that traffic volumes during the summer months increase by about 16 percent on the urban highway, about 39 percent between Mountain Vista Way and West Valley Drive, and about 22 percent between West Valley Drive and milepost 6. The roadside environment starts out as urban and then transitions to a more rural setting. Near the intersection with Meridian Road the development can be considered commercial with about a dozen businesses or commercial buildings. Immediately west of this intersection until Alternate 93 the land use becomes suburban residential on small to medium sized lots. West of Alternate 93 the development is still residential suburban, but homes are on small to large lots depending on the subdivision with some vacant land. West of Morning Eagle Drive and for the rest of the study, the land use is a mix of primarily residential and agricultural development.

Summary: A review of the spot speed samples shows that the prevailing speeds along Farm-to-Market Road match with the set speed limits. The 85th percentile speeds and upper limits of the pace are for the most part within ± 5 -mph of the 35-mph and 40-mph posted speed limits. Within the 35-mph special speed zone about 71 percent of drivers are all within 10-mph of each other and for the 40-mph speed zone the percentage is around 66. Within the 35-mph and 40-mph speed zones, the pace and 85th percentile show that speeds are currently set appropriately. The 85th percentile and upper limits of the pace are for the most part within ± 8 -mph of the 50-mph and 55-mph posted speed limits. Within the 55-mph speed zone about 69 percent of drivers are within 10-mph of each other and for the 50-mph speed zone the percentage is around 67. Within the 50-mph and 55-mph speed zones, the upper limits of the pace and 85th percentile are elevated above the set speed limits, however, the percentage within pace is considered within range of current guidance. The prevailing speeds and in conjunction with varying roadway contexts show that the current speed limits are reasonable and prudent. Utilizing the rounded down 85th for the urban and suburban environments yields no change to the existing speed limit configuration. Utilizing the closest 50th percentile or the rounded down 85th percentile for the rural environment would yield the same recommendation of no change to the existing speed zone configuration. The current speed zones are in line with the roadway context and speeds slowly increase as the environment transitions to a more rural setting and traffic volumes taper off. However, the speed zone transitions near the West Valley Elementary School are too short compared to current MDT guidance. The 45-mph transition on either side of the West Valley Elementary School speed zone should be extended to 1,600ft for each 45-mph speed zone.

Flathead County agrees with MDT's recommendations and their concurrence is attached.

The City of Kalispell does not agree with MDT's recommendations and would like to see the current 35-mph speed zone be extended from the current 40/35-mph transition just west of Garland Street to approximately 1,600 feet north of Milepost 4, an approximate distance of 3.84-miles. The City states that this transition would facilitate a safer environment as traffic moves from the rural to the urban corridor.

This recommendation would include parts of the urban section and also the secondary section of this roadway, this includes sections outside of city limits. MDT would like to note that the recommendation would be to eliminate the 40-mph and 50-mph speed zones and go about a mile into the 55 mph speed zone. The average 50th percentile for the 50-mph speed zone is 51-mph and for the section of the 55-mph speed zone its 57-mph. This recommendation would be below the 50th percentile by 16-mph and 22-mph for the 50-mph and 55-mph speed zones respectively. MDT would like to stress that the data does not support a 5-mph, 15-mph and 20-mph speed reduction for all referenced speed zones. MDT does not recommend setting speed limits below the 50th percentile. Research has shown that setting the speed limit by 15-mph or more from the engineering recommendation does increase crash rates and injury crash rates.

Staff recommendations: It is the desire of MDT with the approval of the Montana Transportation Commission to institute the following speed limits:

A 55-mph speed limit beginning approximately 850-feet west of Four Mile Drive (straight-line station 163+00) and continuing west for an approximate distance of 2.05 miles, approximately 250 feet west of the intersection with Sow Camp Road (straight-line station 271+50)

A 45-mph speed limit beginning approximately 250 feet west of the intersection with Sow Camp Road (straight-line station 271+50) and continuing west for an approximate distance of 1,600 feet, approximately 790 feet east of intersection with Old Reserve Drive (straight-line station 287+50)

A 45-mph speed limit beginning approximately 570 feet west of Old Reserve Drive (straight-line station 301+00) and continuing west for an approximate distance of 1,600 feet, approximately 50-feet west of milepost 6 (straight-line station 317+00)

A 55-mph speed limit beginning approximately 50 feet west of milepost 6 (straight line station 317+00) and continuing west to a point outside the study area for an approximate distance of 9.7 miles.

Commissioner Sansaver said Flathead County agreed with MDT's recommendation, however the City of Kalispell does not agree with our recommendation, do we have a venue for the city to come with the county to discuss the differences there? What do we do with that? We're going to go with MDT's recommendation but do we return back to the City of Kalispell to tell them why we're going with that recommendation? Is there a follow-up to this? Commissioner Frazier said this forum is where they can voice their concerns. As far as a follow-up I believe the District does follow up. Director Dorrington said there is a lot going on in this area in terms of recent development and questions about speed. I've received questions and Bob Vosen the District Administrator has also received quite a few calls. He also met with the city, county and developers in this area.

Commissioner Sansaver said southeast Montana is a huge county and we don't have that many people in the county, so when County Commissioners agree to do something, I'm hoping they've coordinated that with the cities and they come together in agreement. I understand the City of Kalispell's concern on this particular speed study but I'm wondering if Flathead County gave a flat approval to MDT without taking in the concerns of the city. Commissioner Swartz asked Bob Vosen for clarification on his conversations. Dustin Rouse said I can fill you in. There is quite a bit going on in this area with continued development and the developer is in the process of designing a roundabout about a mile into that segment and we are in discussions with them on the design. If a 45 mph speed were proposed then they wouldn't have to design it for 55 mph. Two things are at play here, a posted speed is not the design speed. Design speed is still based on other factors. There is also the possibility of adjusting the design so the city is requesting to extend the 35 mph through both of the curves and past mile post four. I cannot support that because you'll get frustrated drivers and the possibility of crashes will increase.

Bob Vosen said there has been interaction with district staff and the city and there will continue to be. This is a challenging area with multiple developers involved in the area and working with the city and their future planning, the location of the roundabout and the size and shape of the roundabout. We had a meeting recently where the intersection was discussed and the future desires of the community and the needs of the secondary road. So there has been and will continue to be on-going discussions. Commissioner Sansaver said I'm always preaching coordination between the county and the cities. Our County Commissioners work pretty closely with the cities but we have very small cities so it's not hard. I just wanted to make sure there is some coordination between the County Commissioners and the City Commissioners to see if there is going to be any fall out from this from the city back to the state. It is critically important that these counties work together with the commissioners and the cities.

Commissioner Frazier said my experience working in western Montana with cities and counties is sometimes they would work together for the common good and

sometimes they would throw rocks at each other. We keep mentioning there is development going on, we set these speed zones based on what is there today. When I first got involved in speed zones I worked on the section of road in front of MDT. There was a developer who wanted a stop light and we allowed him to put conduit under the road for the future and we'd put up the stop light when it was needed. Hard economic times hit and the development didn't happen and it was about 10-12 years before those intersection improvements happened. Speed zones, should things change out there we can evaluate it again. These are not forever.

Commissioner Swartz moved to approve the Speed Limit Recommendation, Three Mile Drive/Farm to Market Road (U-6706/S-424) – Kalispell. Commissioner Aspenlieder seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

**Agenda Item 7: Certificates of Completion
September & October 2024**

Dave Gates presented the Certificates of Completion for September & October, 2024, to the Commission.

In September we have four projects submitted. The sum of the total bid amount of the four projects was \$17,035,147.60. The final amount was \$16,893,112.64 which is 0.83% below the original bid amount.

In October there were three projects submitted. The sum of the total bid amount of the three projects was \$20,577,294.51. The final amount was \$20,375,230.32 which was 0.98% below the original bid amounts.

We recommend approving the Certificates of Completion for September & October 2024.

Commissioner Frazier said I like it when our bid amounts are the same as the closeouts. Good work guys.

Commissioner Sanders moved to approve the Certificates of Completion, September & October, 2024. Commissioner Sansaver seconded the motion. All Commissioners voted aye.

The motion passed unanimously.

Agenda Item 8: Directors Discussion

Director Chris Dorrington

Legislative Session

The Legislative Session is upon us and there are a host of ideas coming forth. I note that 40% of the Legislature is brand new. Forty percent of the 150 has not been in session before. They all campaigned on the promise that they heard their citizens so a few ideas are coming through. We have a pretty light agenda on our side. We dropped the quick clearance bill. The Scenic Byways bill we spoke about previously – we are working on a bill where the Council would no longer be required. That is a good thing and eliminates red tape.

Montana Contractors Association Meeting

Yesterday and the day before MDT worked with the Montana Contractors Association in the Partnering Summit. It went really well. I was able to attend yesterday. The Summit was well attended by both MDT and Contractors across the state. We had a really interactive dialogue around ways to improve project development delivery, contract terms, and a whole host of ideas. A great meeting with promise.

During Session there are a couple of Associations that hold their annual events. The Contractors Association is January 22 - 25th here in Helena and we'll also be meeting there and presenting some information and updates from the Agency.

Senate Confirmations

The last time in Session, the Senate was up in the air on how confirmations for both Director and Appointees would go through. In the past they went through the Senate Transportation Committee. The Senate has a draft plan in place in which they would run all appointees through a Special Committee. They have not firmed that up. If it doesn't go through, the Special Committee will be back in Senate Transportation Committee for our Commissioners that are renewing and us. Then it would go to the Senate for a vote. More to come on that but in the next two weeks it should be firmed up.

DBE Program

Maghan Strachan will provide the Commission a quick update on our close-out for the year in the DBE Program and actions for next year. Maghan Strachan, Office of Civil Rights. I'm here to give a quick update. As promised the last time I spoke with you I said I'd come back when I had final numbers and had the time to do our Short-Fall Analysis and Corrective Action Plan.

We ended the year at 4.6% DBE Participation. Our goal was 6.3% so we did have a short fall but we finished much better in 2024 than in 2023 when we ended at 3.1%. So we believe the efforts we're making are working, they just take time. Unfortunately the end of the year arrived and we didn't meet it, so we're here doing a Short Fall Analysis and Corrective Action Plan.

In my Analysis I found several firms that are not participating in the DBE Program. If they were in the DBE Program and we think they are eligible, that would have increased our participation by .5%. As the director mentioned we met with MCA yesterday, we strongly encouraged their members to talk to the businesses they are working with and encourage them to get certified. That's low hanging fruit if they are already doing business, let's get them certified so we can count that participation.

In addition there is one DBE that graduated from the program in 2021. If that firm remained certified, we would have achieved 6.2% this year. There was an NPRM that proposed rule-making in the DBE Program that was published in 2022. We had really hoped that by increasing the personal net worth limit we'd be able to get some of those firms that graduated back into the program. The problem is it is really hard with these firms that are pretty successful, once they graduate they don't really see a benefit of getting back into the program, so it's hard to get them back in even if they might be under the new \$2 million personal net worth cap.

The things we've got going on – we've been setting SBE goals. We started saying you can't get 0% utilization on certain projects. We are proposing to increase those goals to more than just 0.1% and also to set those goals on more projects.

We have been doing networking events – we did our first round of pre-bid district-wide networking events starting last year. They were super successful. We've done a couple already this year and the one in Kalispell had almost twice the attendees as the one in Missoula the prior year. So those are gaining momentum and we're seeing relationships coming out of that. Of the 20 DBE firms that got contracts in 2024, half of those had not gotten a contract in 2023. Six of those firms had never gotten an MDT contract before. So we are bringing in new DBEs. We're helping DBEs to get work and get their foot in the door but unfortunately when you lose a big DBE who gets a ton of contractor dollars that brings our numbers way down.

We're doing "You've got the Job Now What" trainings to help businesses understand what the requirements are for working on a federal aid project. We did those in three of the districts in 2024. In 2025 we will do those events in the remaining two districts that didn't have one. We are also partnering with the Contractor's Association to do another networking event in Helena in coordination with the MCA Conference. Hopefully that will get a lot of participation.

The other thing the final rule implemented was collection of more data from the contractors at the time of bid. They have always been required to submit what we call a Subcontractor Report that includes who they've received bids from for subcontracts and now they are required to include ownership data so we'll know whether it is a woman or minority owned firm and their gross receipts. That is a great recruitment tool for my staff to be able to reach out to those firms to make sure the people interested in working on our projects at least know the DBE Program exists and we can help them get certified so we can count their participation.

Commissioner Sanders said give me a refresher on who decides that 6.3% is the right number and how they are derived. Maghan Strachan said we base our availability numbers on a Disparity Study. Our disparity studies are conducted, they review five years of data. Our last Disparity Study went through 2020, so we'll be looking at a new Disparity Study that cover years 2021-2025. So it's time to start thinking about that now. We're already in Federal Fiscal Year 2025 but our last Disparity Study comes up with an availability figure. Based on that there are some factors we can consider in studying our three-year tri-annual goals. One of those factors is past participation. So if we have several years where we just didn't have great participation we can factor that in and lower what the Disparity Study came up with for our availability figure. That's is where 6.3% came from. That will be our goal through 2025. We will be looking to set a new goal in 2026. Our new Disparity Study will probably not be completed by that time but it will likely be a new goal because we'll be considering other things like past participation.

Commissioner Sanders said who is "we"? Is the State of Montana deciding that number? Maghan Strachan said that is correct but we at MDT set the goal – we hire a firm to conduct the Disparity Study for us. Based on that we come up with our proposed goals. Those goals are approved by each operating administration. So in this case, FHWA approves our goal. Last year they gave us a one-year conditional approval as race neutral because part of the goal is to determine what portion you are going to meet through DBE contract goals and what portion you're going to meet by doing the things I've outlined. We're hoping our Corrective Action Plan will be approved and we'll be able to remain race neutral an additional year because our Disparity Study showed that white women and subcontinent Asian-owned firms were over utilized. So if we do set project specific DBE goals, we will have to get a waiver and exclude those groups of businesses. SBE goals are separate because it is still considered a race and gender neutral measure so we're free to set SBE goals without excluding certain groups.

Commissioner Sanders asked if there were any ramifications if we don't meet 6.3%. There are no ramifications for not meeting these goals? Maghan Strachan said it's not fair to say there are no ramifications because we're required to operate the program in good faith. Our federal counterparts could certainly come in and say "you have to go race conscious because you haven't met our goals". That is a potential ramification.

They do make it clear that it is a goal and as long as we're operating our program in good faith, there should not be any ramifications such as loss of all of our federal funding dollars which I don't foresee happening since hopefully everybody realizes we are operating our program in good faith.

Commissioner Sansaver said I had the same question about the ramifications. Is this a national average that you're presenting on these numbers of 6.3%? Is that a state required or requested number? As far as our numbers you are talking about, is that based off a national average? Maghan Strachan said it is not based on a national average. When the DBE Program was first implemented they set 10% nationwide but that went away because they decided that it makes a lot more sense to have state-specific data. When we analyze the data we come up with a goal specific to Montana. We actually look at availability for all the work types that specifically MDT is hiring for and we also look at that district by district.

February Commission Meeting

Commissioner Frazier said we have the next Commission meeting coming up February 20, 2024 and I will not be able to attend. I will try to attend on line. So we need somebody to conduct the meeting. Commissioner Sansaver is the default. Commissioner Sansaver said he would be able to attend and conduct that meeting.

**Agenda Item 10: Change Orders
July & August 2024**

Dave Gates presented the Change Orders for July & August 2024 to the Commission. Included in your packets is a summary of our change orders. This is informational only.

Change orders for September & October 2024

September 2024	\$1,387,864.98
October 2024	<u>\$2,077,404.87</u>
Total	\$3,465,269.85

Dave stated September is the close of construction season. This number is across 32 projects consisting of 43 Change Orders. October's numbers are across 29 projects consisting of 33 Change Orders

Commissioner Frazier said the numbers on Red Lodge Flood Repairs, is that project coming to an end? Dave Gates said it's on its way. Commissioner Frazier said I know there was a lot of work and we did it Design-Build Emergency for time. I see the Change Order for this time isn't very much but if you look at the project we have \$20 million in that project. We knew it was going to be that way but I'm wondering if

we're close to the end. Dave Gates said I don't have the specifics on the schedule of where we are at and the next steps. As I understand this Change Order is for the additional survey and design associated with the last realignment stretch.

Commissioner Aspenlieder said there is one more coming for that last stretch and I think that is the last stretch. Commissioner Frazier said this project is unique and kind of an open check book. Dustin Rouse said when we kicked this project off, we did bring it in front of the Commission. The initial estimate was \$20-25 million. We identified all the locations and we've held to those locations. I want to clarify it is not an open checkbook and we are tracking on what we had committed in that study and were pretty close to what we estimated. Yes, we are about done.

Agenda Item 10: Letting Lists

Ryan Dahlke presented the Letting Lists through December 2025 to the Commission. I will email the letting list packet to Commissioner Swartz and Commissioner Sansaver. It is informational only.

Next Commission Meetings

The next Commission Conference Calls were scheduled for December 17, 2024, January 21, 2025, and February 11, 2025.

The next Commission Meeting was scheduled for February 20, 2024.

Meeting Adjourned

Commissioner Loren Frazier, Chairman
Montana Transportation Commission

Chris Dorrington, Director
Montana Department of Transportation

Jess Bousliman, Secretary

Montana Transportation Commission